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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,138	03/08/2005	Friedrich Ackermann	21387 US-pd/d	9514
23690 7590 02/01/2011 ROCHE DIAGNOSTICS OPERATIONS INC. 9115 Hague Road Indianapolis, IN 46250-0457			EXAMINER RUTKOWSKI, JEFFREY M	
			ART UNIT 2473	PAPER NUMBER
			NOTIFICATION DATE 02/01/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

marsha.breen@roche.com  
karla.dirks@roche.com  
jackie.pike@roche.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/527,138	<b>Applicant(s)</b> ACKERMANN ET AL.	
	<b>Examiner</b> JEFFREY M. RUTKOWSKI	<b>Art Unit</b> 2473	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-24 is/are allowed.
- 6) ☒ Claim(s) 25-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

**Claims 1-16** have been cancelled.

#### **Priority**

Receipt is acknowledged of papers filed under 35 U.S.C. 119 (a)-(d) based on an application filed in Germany on 09/14/2002.

#### **Continued Examination Under 37 CFR 1.114**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/08/2010 has been entered.

#### **Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. **Claims 25 and 28-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorfe et al. (US Pat 5,204,669), hereinafter referred to as Dorfe, in view of Schoeberl et al. (US Pg Pub 2004/0090925), hereinafter referred to as Schoeberl, and Daneels et al. (US Pat 5,754,765), hereinafter referred to as Daneels.
5. For **claim 25**, Dorfe teaches at least one peripheral communicates with a programmable controller unit (central unit) to receive an address assignment via daisy chained control lines **18 [col. 5 lines 15-20, 50-60 and figure 1]** (a central unit which is contacted with several modules, wherein at least two of the modules are connected in series and the modules each comprise a memory to store module identification information). The control signals are transmitted over the control lines when an address needs to be assigned to a function module **16 [col. 6 lines 15-25]** (a switch which can be controlled by a computer unit in such a manner that the contact of a module to the central unit can be interrupted and restored again, wherein the computer unit comprises). The programmable controller unit **12** comprises a programmable controller (control unit to control the switch) **[figure 2]**. The controller uses information transported from the last function module to determine the address and the number of connected function modules **[col. 7 lines 30-34]** (a memory to register the module identification information of the modules).
6. Dorfe does not teach the calculation of topology information. Schoeberl discloses an architecture where after a network reset, which includes the addition or removal of nodes (interruption of a contact) **[0050]**, a current topology (module identification information registered while the contact was interrupted) is compared to a reference topology (module identification information registered before the interruption of a contact) **[0055]**. The

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comparison is used to determine which nodes were added or removed from the network [0057].

Since both Dorfe, in figure 1, and the IEEE-1394 standard support serial bus connections [Schoeberl, 0003], it would have been obvious to a person of ordinary skill in the art at the time of the invention to use Schoeberl's architecture in Dorfe's invention to allow Dorfe's architecture to support an IEEE-1394 architecture.

7. Dorfe discloses the use of a programmable function module that is used to receive identification information (see col. 2 lines 59-60). Dorfe does not disclose interrupting a contact to register the identification information. Daneels discloses the contact of a module (new node **100**; see figure 51) to the central unit (confidence test server **5104**; figure 51 shows the confidence test server **5104** is centrally located) is interrupted to register the module identification information (registration information; the new node **100** is disconnected so the registration information can be stored in a database; see figure 51, figure 53 steps 5310-5318 and figure 55 steps 5516-5522). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use Daneels' arrangement in Dorfe's invention to determine the communication capabilities of an attached device (Daneels, abstract).

8. For **claim 28**, which depends from **claim 25**, Dorfe does not teach the use of type names. Schoeberl discloses a self-ID packet that includes a network-node number (wherein the module identification information comprise a type name to identify a module) [0014]. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use type names in Dorfe's invention to allow the network to be managed [Schoeberl, 0014].

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9. For **claims 29 and 31**, Dorfe teaches the program controller unit and the function modules are connected via lines **[figure 1]** (wherein the contact between a module and the central unit is via a line).

10. For **claim 30**, Dorfe teaches the programmable modules and the programmable controller are electrically interconnected **[col. 5 lines 32-35]** (wherein the modules are supplied with power from the central unit via a line).

11. **Claim 26** is rejected under 35 U.S.C. 103(a) as being unpatentable over Dorfe in view of Schoeberl and Daneels as applied to **claim 25** above, and further in view of Koelzir (US Pg Pub 2004/0012249).

12. For **claim 26**, which depends from **claim 25**, the combination of Dorfe, Daneels and Schoeberl do not disclose the use of a Controller Area Network (CAN). Koelzir discloses a Controller Area Network (CAN) arranged in a star topology **[0069]** (further comprising a CAN-bus). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use a CAN bus in Dorfe's invention to allow for arbitration free transmission between nodes.

13. **Claim 27** is rejected under 35 U.S.C. 103(a) as being unpatentable over Dorfe in view of Schoeberl and Daneels as applied to **claim 25** above, and further in view of Kodosky (US Pat 7,062,718).

14. For **claim 27**, which depends from **claim 25**, the combination of Dorfe, Daneels and Schoeberl do not disclose the use of Transmission Control Protocol over Internet Protocol (TCP/IP). Kodosky discloses TCP/IP is used between two devices to transfer information **[col. 38 lines 60-65]** (wherein a TCP/IP is used as the protocol). It would have been obvious to a

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person of ordinary skill in the art at the time of the invention to use TCP/IP as a communication protocol in Dorfe's invention to make use of a well-known standardized communication protocol.

### **Response to Arguments**

Applicant's arguments with respect to **claims 25-31** have been considered but are moot in view of the new ground(s) of rejection.

### **Allowable Subject Matter**

15. **Claims 17-24** are allowed.

### **Conclusion**

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **JEFFREY M. RUTKOWSKI** whose telephone number is (571)270-1215. The examiner can normally be reached on Monday - Friday 7:30-5:00 PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Yao can be reached on (571) 272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey M Rutkowski/  
Examiner, Art Unit 2473